

CT. DEC. 15, 1977.

- MOTIONS SEEK TO SUPPRESS:

✓ Aug. 16, 1975 - fruits of search of veh. -

✓ Aug 21, 1975 - Search of Apartment

✓ Search of Auto on Oct. 3, 1975

✓ I.D. of Carol DaRonch

✓ I.D. of Elizabeth Harten

47

HAIR - Law submitted. -



- FRI. DEC. 23. 9:00 AM.

- Death Penalty -

→ DEC. 24. S

VOIR DIRE -  
PREJUDICIAL EFFE. -

- Moore Change of Venue -

- VOIR DIRE -

- RESTRAINTS -

- SEQ. at JURY -

- OMNIBUS. -

✓ Research - Conflict of Law

" - Attack on Consent & Searches



Aut Search Aug 15, 1975 - R

- Δ - FACTS:

- "CAN I LOOK IN YOUR CAR" - YES.

HAYHURST - Review

- TESTIMONY of Δ's ATTITUDE -  
- COOPERATION -  
- NO OBJECTION -

- OFFER. BEZIEF IS NOT THE TEST.  
- PED. V. MATHIS.

BURDEN: PREPOND -  
MATLOCK  
CGO V TWINSLEY  
SCHWENCKOTH.

HAPHAZARD - APPROACH.

TEST: TOTALITY of CIRCUMSTANCES

EXPRESS UNEQUIV -  
- REQUEST  
- RESPONSE.

START 2048.

SCHWENCKOTH - THE TRADITIONAL CONCEPT  
of VOLUNTARINESS.

- THERE COULD BE NO DOUBT  
THAT A SEARCH WAS TAKING PLACE.

QUOTE TRAYNOR @ 2049.

P. 2050

- CONTRAST w/ MIRANDA -

- FACTUAL - CUSTODY.

UNSTRUCTURED - { CUST. INTERVIEW  
HOME or  
ST.

HERE:

FACTS: NO COERCION  
" DURESS  
" THREAT

NO CLAIM of CAUTEL  
AUTHORITY.

- BENSON.

PHILLIPS - CUSTODIAL.

BENSON - black SHAV. KIT.

↳ NO COERCION  
↳ DURESS

CAPPS - CUSTODY - JAIL

↳ AT MOTEL -

OBJECT (NO) -

- WARNING.

⊗ Suggest that Cole is trying to  
reflect the sentiment Schoen  
took from Traynor.

- BENSON.

VERY CLEAR TO BE  
STPS. 2

2051

2051

- BENSON.

THAT APP.



NO P.C. TO  
SEA ACH.

PLAIN VIEW

1. P.C. for arrest for  
trap. off.

2. LOOK IN - OK.

3. DARK CLOTHES  
SEAT

PRE - SUP: - NO LITS.

OWN NEIGHBORHOOD - KNOWN BORG AREA

- EARLY A.M. Hr.

- RAN -

SUP. - DK. CLOTHES.

- BAD EXPL.

- SAW SEAT

- SAW CROWBAR.

ST. V. GURIPS  
422 PM/203

REASCUARMENT

Copper - RIS  
191 BATH

Ward of

Wary Standard -

Knowledge of Off.

- § 76-6-205 - POSS. BORG TOYS.

- UNDER CIRCUMSTANCES THAT

IND. AN INTENT.

LAWS DISCLOSES OFFERS.

FROM IMM. CHG.

WENT TO CT ASKED FOR

WARRANT - SPAC. CATCHER -  
- GOT IT.



## Aut. Seizure -

- Consent -  
NOT PRODUCT OF DURESS.

- Ex. A. -  
- a piece in a signed memo.

AA-SK Co.  
2-MAP.

Can't stand in court for  
to record only  
in court

## Auto Seizure -

B. Sale  
Ex. 110  
Bill of

- NO STANDOFF -  
- WARRANT -

- A fail to carry burden -  
Both on standing & on  
ATTACK on WARRANT -



ID - DA ROSE

- B/P - cl. row -

- NO TAIN -

If

TEST! "TOT. of CIR." - IS IT

NOT SO SUGGESTIVE. - AS TO

MAKE IT.

SUMMARY "So imple only a & go

me to a VERY SUBSTANTIAL

LIKELIHOOD OF IRREG MISID.

ARG.

The people must show the court  
~~that~~ from the tot. of circ. that the  
line up procedure is not so imple  
suggestive as to give rise to a  
very subst. likelihood of irreg.  
min - I.D. -

If proc. was sugg.  
then pers. must show an  
indep. source of I.D.  
3 BIGGERS

FACTS: 1. REPORT TO MURRAY -

a. JOE RICE - PROMPTLY SHOWED PHOTOS.

b. SHE WENT TO S.O. SAW - ~~THOUSANDS~~ THOUSANDS.

c. SAW ~~THE~~ PHOTOS fr. BOUNTIFUL -

d. SAW PHOTOS FROM THOMPSON -

e. SAW PHOTOS FROM BOUNTIFUL, <sup>THEY</sup>

NOT A BAD WITNESS

"A very poor witness -"

SHEPARD COR.

COMING TO REMEMBER  
G. T. RATTOW  
REASON TO REMEMBER  
THANK -  
PUBLIC TO DESER  
TO REMEMBER



HARTER -

- HEARSAY EXCEPTION 8 -

EX B-1  
B-7

-C-